

Bruce P. Beausejour

Vice President and General Counsel – New England

185 Franklin Street, Room 1403
Boston, MA 02110

Tel (617) 743-2445
Fax (617) 737-0648
bruce.p.beausejour@verizon.com

December 17, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Fl. 2
Boston, Massachusetts 02110

Re: D.T.E. 01-20 – UNE/RESALE

Dear Ms. Cottrell:

Verizon Massachusetts (“Verizon MA”) is writing in response to a statement made in rebuttal testimony of Mr. Mark Stacey, filed on behalf of the CLEC Coalition, regarding the record from a previous phase of this proceeding. (*See* Stacey Rebuttal, at 43). Specifically, Mr. Stacey argues that, although he is not specifically criticizing any of Verizon MA’s loop conditioning work times, he is incorporating by reference the testimony filed in another proceeding by entirely different witnesses on these issues. Notably, *no* party in this proceeding has filed *any* testimony addressing Verizon MA’s specific work times associated with loop conditioning.

Contrary to the CLEC Coalition’s assertion, the record from the prior proceeding has not been incorporated into this case. No motion has been filed requesting such treatment, nor would it be appropriate to grant such a motion. Although the Department can certainly take notice of a previous proceeding, it is inappropriate for the CLECs to decide not to refile testimony on an issue in this proceeding, but then attempt to bootstrap outdated material filed in another case. The CLECs must live with the record they created in this proceeding.

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Accordingly, Verizon MA moves to strike the portions of Mr. Stacey's testimony that purport to incorporate testimony filed by different witnesses – witnesses not appearing in this case – in another proceeding on the issue of loop conditioning work times. In the event the Department denies Verizon MA's motion, Verizon MA requests an opportunity to respond to this outdated material.

Sincerely,

Bruce P. Beausejour

cc: Tina Chin, Esquire, Hearing Officer
Michael Isenberg, Director, Telecommunications Division
Attached Service List